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**U.S. District Court  
District of South Carolina (Charleston)  
CIVIL DOCKET FOR CASE #: 2:09-cv-01988-RMG**

Abou-Hussein v. Mabus  
Assigned to: Honorable Richard M Gergel  
Case in other court: 4CCA, 11-01038  
Cause: 05:552 Freedom of Information Act

Date Filed: 07/29/2009  
Date Terminated: 10/28/2010  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Alex Abou-Hussein**

represented by **Alex Abou-Hussein**  
PO Box 40551  
North Charleston, SC 29423  
251-648-9632  
PRO SE

V.

**Defendant**

**Ray Mabus**  
*Secretary of the Navy*

represented by **John H Douglas**  
US Attorneys Office  
PO Box 978  
Charleston, SC 29402  
843-727-4381  
Fax: 843-727-4443  
Email: john.douglas@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
07/29/2009	<a href="#"><u>1</u></a>	COMPLAINT filed by Alex Abou-Hussein against Ray Mabus ( Filing fee \$ 350 receipt number SCX200007131.) (ltap, ) (Entered: 07/29/2009)
07/29/2009	<a href="#"><u>2</u></a>	Local Rule 26.01 Answers to Interrogatories by Alex Abou-Hussein.(ltap, ) (Entered: 07/29/2009)
07/29/2009	<a href="#"><u>4</u></a>	MOTION for Summary Judgment by Alex Abou-Hussein. Response to Motion due by 8/17/2009. (Attachments: # <a href="#"><u>1</u></a> Proposed Order) Motions referred to Bristow Marchant.(ltap, ) (Entered: 07/29/2009)
08/10/2009	<a href="#"><u>8</u></a>	ORDERed that the Clerk shall issue summonses and forward to the plaintiff for service. Signed by Magistrate Judge Bristow Marchant on 8/10/09. (ltap, ) Modified on 8/11/2009, to correct docket text (ltap, ). (Entered: 08/10/2009)
08/10/2009	<a href="#"><u>9</u></a>	Summons Issued as to Ray Mabus, U.S. Attorney, and U.S. Attorney General. (ltap, ) Modified on 8/11/2009 to correct summonses (ltap, ). (Entered: 08/10/2009)
08/11/2009	10	***DOCUMENT MAILED <a href="#"><u>8</u></a> Order, <a href="#"><u>4</u></a> MOTION for Summary Judgment, <a href="#"><u>1</u></a> Complaint, and <a href="#"><u>9</u></a> Summons Issued placed in U.S. Mail to Alex Abou-Hussein. (ltap, ) (Entered: 08/11/2009)
08/24/2009	<a href="#"><u>12</u></a>	SUMMONS Returned Executed by Alex Abou-Hussein. Ray Mabus served on 8/13/2009, answer due 10/13/2009. (Attachments: # <a href="#"><u>1</u></a> Tracking/Service Confirmation)(ltap, ) (Entered: 08/24/2009)
08/27/2009	<a href="#"><u>13</u></a>	SECOND MOTION for Summary Judgment UPON CONCURRENCE FROM US ATTORNEY'S OFFICE by Alex Abou-Hussein. Response to Motion due by 9/14/2009 Proposed order is being emailed to chambers.Motions referred to Bristow Marchant.(sshe, ) (Entered: 08/27/2009)
09/01/2009	<a href="#"><u>14</u></a>	MOTION to Seal Document <a href="#"><u>13</u></a> MOTION for Summary Judgment by Alex Abou-Hussein. Response to Motion due by 9/21/2009. No proposed order.Motions referred to Bristow Marchant.(ltap, ) (Entered: 09/01/2009)
09/03/2009	<a href="#"><u>16</u></a>	REPORT AND RECOMMENDATIONS re <a href="#"><u>13</u></a> MOTION for Summary Judgment and <a href="#"><u>4</u></a> MOTION for Summary Judgment filed by Alex Abou-Hussein. Objections to R&R due by 9/21/2009. Signed by Magistrate Judge Bristow Marchant on 9/3/09. (ltap, ) (Entered: 09/03/2009)
09/03/2009	17	TEXT ORDER denying <a href="#"><u>14</u></a> Motion to Seal Document. Motion does not comply with Local Rule 5.03, D.S.C. Signed by Magistrate Judge Bristow Marchant on 9/3/09. (ltap, ) (Entered: 09/03/2009)

09/03/2009	<a href="#">18</a>	***DOCUMENT MAILED 17 Order on Motion to Seal Document and <a href="#">16</a> REPORT AND RECOMMENDATIONS re <a href="#">13</a> MOTION for Summary Judgment and <a href="#">4</a> MOTION for Summary Judgment filed by Alex Abou-Hussein placed in U.S. Mail to Alex Abou-Hussein. (ltap, ) (Entered: 09/03/2009)
09/03/2009	<a href="#">19</a>	NOTICE of Appearance by John H Douglas on behalf of Ray Mabus (Douglas, John) (Entered: 09/03/2009)
09/10/2009	<a href="#">20</a>	OBJECTION to <a href="#">16</a> Report and Recommendations by Alex Abou-Hussein. (ltap, ) (Entered: 09/11/2009)
09/11/2009	<a href="#">21</a>	REPLY by Ray Mabusto <a href="#">20</a> Objection to Report and Recommendations <i>Defendant's Response to Plaintiff's Objection to Report and Recommendation.</i> (Douglas, John) (Entered: 09/11/2009)
09/14/2009	<a href="#">22</a>	ORDER denying without prejudice <a href="#">4</a> Motion for Summary Judgment; denying without prejudice <a href="#">13</a> Motion for Summary Judgment; affirming <a href="#">16</a> Report and Recommendations. Signed by Chief Judge David C Norton on 9/14/2009.(eric, ) (Entered: 09/14/2009)
10/13/2009	<a href="#">23</a>	ANSWER to <a href="#">1</a> Complaint by Ray Mabus. (Attachments: # <a href="#">1</a> U.S. District Court Judge Richard J. Leon Memorandum Opinion)(Douglas, John) (Entered: 10/13/2009)
10/16/2009	<a href="#">24</a>	Local Rule 26.01 Answers to Interrogatories by Ray Mabus.(Douglas, John) (Entered: 10/16/2009)
12/28/2009	<a href="#">25</a>	MOTION to Dismiss <i>Defendant's Motion to Dismiss or in the Alternative, for Summary Judgment and Memorandum in Support</i> by Ray Mabus. Response to Motion due by 1/14/2010 (Attachments: # <a href="#">1</a> Exhibit One, Declaration by James A. Rosenbaum, # <a href="#">2</a> Attachment 1, Tab 1, FOIA request of November 24, 2008, # <a href="#">3</a> Attachment 1, Tab 2, Documents with redactions provided for FOIA request of November 24, 2008, # <a href="#">4</a> Attachment 1, Tab 3, Vaughn index for FOIA request of November 24, 2008, # <a href="#">5</a> Attachment 1, Tab 4, Denial letter for FOIA request of November 24, 2008, # <a href="#">6</a> Attachment 1, Tab 5, SENTEK acquiescence in release for FOIA request of November 24, 2008, # <a href="#">7</a> Attachment 2, Tab 1, FOIA request of December 11, 2008, # <a href="#">8</a> Attachment 2, Tab 2, SAIC objections to release of information for FOIA request of December 11, 2008, # <a href="#">9</a> Attachment 2, Tab 3, Documents with redactions provided for FOIA request of December 11, 2008, # <a href="#">10</a> Attachment 2, Tab 4, SAIC explanations for objections to release regarding FOIA request of December 11, 2008, # <a href="#">11</a> Attachment 2, Tab 5, Vaughn index for FOIA request of December 11, 2008, # <a href="#">12</a> Attachment 2, Tab 6, Denial letter for FOIA request of December 11, 2008, # <a href="#">13</a> Attachment 3, Tab 1, FOIA request of January 25, 2009, # <a href="#">14</a> Attachment 3, Tab 2, SkilStorm, Inc., objections to release of information on FOIA request of January 25, 2009, # <a href="#">15</a> Attachment 3, Tab 3, Documents with redactions provided for FOIA request of January 25, 2009, # <a href="#">16</a> Attachment 3, Tab 4, Vaughn index for FOIA request of January 25, 2009, # <a href="#">17</a>

		Attachment 4, Tab 1, FOIA request of January 28, 2009, # <a href="#">19</a> Attachment 4, Tab 2, Skilstorm, Inc., objections to release of information on FOIA request of January 28, 2009, # <a href="#">20</a> Attachment 4, Tab 3, Documents with redactions provided for FOIA request of January 28, 2009, # <a href="#">21</a> Attachment 4, Tab 4, Vaughn index for FOIA request of January 28, 2009, # <a href="#">22</a> Attachment 4, Tab 5, Denial letter on FOIA request of January 28, 2009, # <a href="#">23</a> Attachment 5, Tab 1, FOIA request of March 30, 2009, # <a href="#">24</a> Attachment 5, Tab 2, Letter demanding payment of duplication costs for FOIA requests of March 30, 2009 and December 11, 2008, # <a href="#">25</a> Attachment 5, Tab 3, Appeal from payment demand on FOIA request of March 30, 2009, # <a href="#">26</a> Attachment 5, Tab 4, Denial letter on FOIA request of March 30, 2009, # <a href="#">27</a> Attachment 6 Secretary of Defense memorandum dated November 9, 2001, # <a href="#">28</a> Exhibit Two, Declaration of Richard G. Walls, # <a href="#">29</a> Exhibit Three, Declaration of Kathryn P. Breitkreutz, # <a href="#">30</a> Exhibit Four, Unpublished opinions)No proposed order(Douglas, John) (Entered: 12/28/2009)
01/04/2010	<a href="#">26</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">25</a> MOTION to Dismiss <i>Defendant's Motion to Dismiss or in the Alternative, for Summary Judgment and Memorandum in Support</i> by Alex Abou-Hussein. Response to Motion due by 1/21/2010. No proposed order.(ltap, ) (Entered: 01/04/2010)
01/06/2010	<a href="#">28</a>	ROSEBORO ORDER directing clerk to forward summary judgment explanation to the opposing party and directing that party to respond in 34 days. Response due to <a href="#">25</a> MOTION to Dismiss <i>Defendant's Motion to Dismiss or in the Alternative, for Summary Judgment and Memorandum in Support</i> by 2/9/2010. Signed by Magistrate Judge Bristow Marchant on 1/5/10. (rpol, ) Modified docket text on 1/7/2010 (ltap, ). (Entered: 01/06/2010)
01/06/2010	<a href="#">29</a>	TEXT ORDER granting <a href="#">26</a> Motion for Extension of Time to File Response/Reply. See Roseboro Order <a href="#">28</a> filed this date. Signed by Magistrate Judge Bristow Marchant on 1/5/09.(rpol, ) Modified docket text on 1/6/2010 (rpol, ). (Entered: 01/06/2010)
01/06/2010	<a href="#">30</a>	***DOCUMENT MAILED 29 Order on Motion for Extension of Time to File Response/Reply, <a href="#">28</a> Roseboro Order, placed in U.S. Mail to Alex Abou-Hussein. (rpol, ) (Entered: 01/06/2010)
02/09/2010	<a href="#">31</a>	CROSS MOTION for Summary Judgment by Alex Abou-Hussein. Response to Motion due by 2/26/2010. (Attachments: # <a href="#">1</a> Exhibit) Motions referred to Bristow Marchant. (rpol, ) (Entered: 02/09/2010)
02/11/2010	<a href="#">33</a>	SUPPLEMENT by Alex Abou-Hussein to <a href="#">31</a> CROSS MOTION for Summary Judgment. (rpol, ) (Entered: 02/12/2010)

02/26/2010	<a href="#">34</a>	RESPONSE in Opposition re <a href="#">31</a> MOTION for Summary Judgment Response filed by Ray Mabus.Reply to Response to Motion due by 3/8/2010 (Attachments: # <a href="#">1</a> Declaration of Kathryn P. Breitreutz, # <a href="#">2</a> Attachment 1, SF33 for Solicitation N65236-05-R-0586, # <a href="#">3</a> Attachment 2, FAR 15.203, # <a href="#">4</a> Attachment 3, FAR 4.803, # <a href="#">5</a> Attachment 4, SF33 for Solicitation N65236-07-R-0156, # <a href="#">6</a> Attachment 5, SF33 for Solicitation N65236-06-R-0763, # <a href="#">7</a> Declaration of James A. Rosenbaum, II) (Douglas, John) (Entered: 02/26/2010)
03/08/2010	<a href="#">35</a>	REPLY to <a href="#">34</a> RESPONSE in Opposition to <a href="#">31</a> MOTION for Summary Judgment. Reply filed by Alex Abou-Hussein. (Attachments: # <a href="#">1</a> Exhibit 1.1, # <a href="#">2</a> Exhibit 1.2, # <a href="#">3</a> Exhibit 1.3)(rpol, ) (Entered: 03/08/2010)
03/11/2010	<a href="#">36</a>	MEMORANDUM of Law Based on Brief of Amicus Curial by Alex Abou-Hussein. (rpol, ) (Entered: 03/12/2010)
03/18/2010	<a href="#">37</a>	SUPPLEMENT by Ray Mabus to <a href="#">25</a> MOTION to Dismiss <i>Defendant's Motion to Dismiss or in the Alternative, for Summary Judgment and Memorandum in Support Supplemental Memorandum in Support of Defendant's Motion for Summary Judgment.</i> (Douglas, John) (Entered: 03/18/2010)
03/22/2010	<a href="#">38</a>	REPLY by Alex Abou-Hussein to <a href="#">37</a> Supplement. (Attachments: # <a href="#">1</a> Exhibit 1) (rpol, ) (Entered: 03/22/2010)
06/09/2010	<a href="#">39</a>	Letter from Plaintiff. (rpol, ) (Entered: 06/09/2010)
06/17/2010	<a href="#">40</a>	REPORT AND RECOMMENDATIONS of Magistrate Judge Bristow Marchant that the Defendant's motion for summary judgment <a href="#">25</a> be granted, that the Plaintiff's cross motion for summary judgment <a href="#">31</a> be denied, and that this case be dismissed. Objections to R&R due by 7/6/2010. Signed by Magistrate Judge Bristow Marchant on 6/17/10. (rpol, ) (Entered: 06/17/2010)
06/17/2010	41	***DOCUMENT MAILED <a href="#">40</a> REPORT AND RECOMMENDATIONS placed in U.S. Mail to Alex Abou-Hussein. (rpol, ) (Entered: 06/17/2010)
07/06/2010	<a href="#">42</a>	OBJECTION to <a href="#">40</a> Report and Recommendations by Alex Abou-Hussein. (Attachments: # <a href="#">1</a> Exhibit Motion to dismiss in case #2:09-1858-CWH)(cmur, ) (Entered: 07/06/2010)
07/13/2010	<a href="#">43</a>	REPLY by Ray Mabusto <a href="#">42</a> Objection to Report and Recommendations. (Douglas, John) (Entered: 07/13/2010)
07/22/2010	44	Case Reassigned to Judge Honorable C Weston Houck. Judge Chief Judge David C Norton no longer assigned to the case. (glev, ) (Entered: 07/22/2010)

07/23/2010	<a href="#">45</a>	REPLY by Alex Abou-Hussein to <a href="#">43</a> Reply (Do not use this event to reply to a Motion). (cmur, ) (Entered: 07/23/2010)
08/18/2010	46	Case Reassigned to Judge Richard M Gergel. Judge C Weston Houck no longer assigned to the case. (snel, ) (Entered: 08/18/2010)
08/19/2010	47	***DOCUMENT MAILED 46 Case Reassigned placed in U.S. Mail to Alex Abou-Hussein (snel, ) (Entered: 08/19/2010)
10/13/2010	<a href="#">48</a>	MOTION for Sanctions by Alex Abou-Hussein. Response to Motion due by 11/1/2010 (Attachments: # <a href="#">1</a> Exhibit 1 SAIC contract)No proposed order(sshe, ) (Entered: 10/13/2010)
10/15/2010	<a href="#">49</a>	RESPONSE in Opposition re <a href="#">48</a> MOTION for Sanctions <i>Memorandum by Defendant in Opposition to Motion for Sanctions</i> Response filed by Ray Mabus.Reply to Response to Motion due by 10/25/2010 (Attachments: # <a href="#">1</a> Declaration of John H. Douglas)(Douglas, John) (Entered: 10/15/2010)
10/18/2010	<a href="#">50</a>	REPLY to Response to Motion re <a href="#">48</a> MOTION for Sanctions Response filed by Alex Abou-Hussein. (sshe, ) (Entered: 10/18/2010)
10/28/2010	<a href="#">51</a>	ORDER adopting <a href="#">40</a> Report and Recommendations of Magistrate Judge Bristow Marchant granting <a href="#">25</a> Motion to Dismiss and denying <a href="#">48</a> Motion for Sanctions. Signed by Honorable Richard M Gergel on 10/28/10.(hhil, ) (Entered: 10/28/2010)
10/28/2010	<a href="#">52</a>	SUMMARY JUDGMENT in favor of Ray Mabus against Alex Abou-Hussein. The Report and Recommendation of Magistrate Judge Bristow Marchant is adopted and incorporated. Summary Judgment is entered for the defendant. The Plaintiff shall take nothing on his Complaint filed pursuant to Title 5 U.S.C. § 552. (hhil, ) (Entered: 10/28/2010)
10/28/2010	53	***DOCUMENT MAILED <a href="#">52</a> Summary Judgment, <a href="#">51</a> Order on Report and Recommendations, Order on Motion for Sanctions, Order on Motion to Dismiss placed in U.S. Mail to Alex Abou-Hussein. (hhil, ) (Entered: 10/28/2010)
11/19/2010	<a href="#">54</a>	MOTION for Reconsideration re <a href="#">52</a> Summary Judgment, by Alex Abou-Hussein. Response to Motion due by 12/6/2010 No proposed order(sshe, ) (Entered: 11/22/2010)
11/29/2010	<a href="#">55</a>	ORDER denying <a href="#">54</a> Motion for Reconsideration Signed by Honorable Richard M Gergel on 11/29/2010.(sshe, ) (Entered: 11/30/2010)
11/30/2010	56	***DOCUMENT MAILED <a href="#">55</a> Order on Motion for Reconsideration placed in U.S. Mail to Alex Abou-Hussein (sshe, ) (Entered: 11/30/2010)

01/11/2011	<a href="#">57</a>	NOTICE OF APPEAL re <a href="#">51</a> Order on Report and Recommendations, Order on Motion for Sanctions, Order on Motion to Dismiss, <a href="#">55</a> Order on Motion for Reconsideration - Filing fee \$ 450. The Docketing Statement form, Transcript Order form and CJA 24 form may be obtained from the Fourth Circuit website at <a href="http://www.ca4.uscourts.gov">www.ca4.uscourts.gov</a> (Attachments: # <a href="#">1</a> receipt for Appeal fee paid)(sshe, ) (Entered: 01/11/2011)
01/11/2011	<a href="#">58</a>	Transmittal Sheet for Notice of Appeal to USCA re <a href="#">57</a> Notice of Appeal, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (sshe, ) (Entered: 01/11/2011)
01/11/2011	59	ASSEMBLED INITIAL ELECTRONIC RECORD TRANSMITTED TO FOURTH CIRCUIT COURT OF APPEALS re <a href="#">57</a> Notice of Appeal, Electronic record successfully transmitted. (sshe, ) (Entered: 01/11/2011)
03/03/2011	<a href="#">61</a>	USCA OPINION for <a href="#">57</a> Notice of Appeal, filed by Alex Abou-Hussein. (sshe, ) (Entered: 03/03/2011)
05/24/2011	<a href="#">62</a>	ORDER of USCA denies the petition for rehearing and rehearing en banc as to <a href="#">57</a> Notice of Appeal, filed by Alex Abou-Hussein (sshe, ) (Entered: 05/24/2011)
06/01/2011	<a href="#">63</a>	USCA MANDATE and JUDGMENT as to <a href="#">57</a> Notice of Appeal, filed by Alex Abou-Hussein (Attachments: # <a href="#">1</a> 4CCA Judgment)(sshe, ) (Entered: 06/01/2011)

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